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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twentieth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 April 1999, at 3 p.m.

Chairperson Mrs. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT.

Second periodic report of Iceland (continued)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 8) (continued)

Second periodic report of Iceland (E/1990/6/Add.15; E/C.12/Q/ICE/1; HR/CESCR/NONE/1999/2) (continued)

1. At the invitation of the Chairperson, the delegation of Iceland resumed their places at the Committee table.

2. The CHAIRPERSON invited Mr. Grissa to take the floor and informed the Committee that the delegation had indicated its readiness to conclude its answers to the first set of issues (E/C.12/Q/ICE/1).

3. Mr. GRISSA, referring to paragraphs 33 to 36 of the second periodic report of Iceland (E/1990/6/Add.15) headed "Inequality in remuneration for work of equal value" (article 7 of the Covenant), recalled that the Icelandic Government had appointed a working group to oversee the execution of a study on equal remuneration of women and men in government institutions. He remarked that the fact that women earned 70 per cent of men's wages for work of equal value signalled a gross disparity and wondered what the outcome of the study had been.

4. The CHAIRPERSON invited the delegation to conclude their answers on the first chapter of the list of issues (E/C.12/Q/ICE/1).

5. Ms. ARNLJÓTSDÓTTIR (Iceland), referring to the incorporation of the Covenant into domestic law, said that the Ministry of Justice, had expressed the view to her that all the main aspects of the Covenant were reflected in Icelandic legislation. Examples were given in paragraphs 23, 24 and 25 of the report.

6. According to amended article 76 (1995) of the Icelandic Constitution, any person needing assistance on the grounds of illness, disability, ageing, unemployment, severe poverty or other comparable reason was guaranteed such assistance by law. Equally the right to education was guaranteed according to the needs of each individual, and children were ensured appropriate protection and care by law.

7. To illustrate the influence of the courts, she cited the example of a blind student who had, the previous year, won a case in the high court against the University of Iceland for not providing services commensurate with her needs, and who had been duly compensated by the university. It was believed that human rights would have a more significant impact in years to come on legislation, in the courts and in public administration in general.

8. The Icelandic Government welcomed the work of the Icelandic Human Rights Centre and hoped that much would be gained from their input. In answer to a

question concerning the University Institution of Human Rights, she said that the University and the Human Rights Centre were cooperating closely under a special agreement between them.

9. She hoped she had answered fully all the questions posed by the Committee and, if not, welcomed the opportunity to supplement the information given orally with written answers.

10. The CHAIRPERSON reminded the delegation that some questions were still outstanding, including questions relating to disability and specific cases.

11. Mr. SADI said it was reassuring to know that the Icelandic authorities believed the Covenant was reflected in domestic legislation. However, the Committee would like to have more concrete examples as to whether, for example, the provisions of the Covenant had been tested in a court of law.

12. Mr. RIEDEL, endorsing Mr. Sadi's position, also requested specific examples regarding the status of the Covenant. Delegations had a tendency to reply with long lists of enacted statutes. However, that could lead to important information being omitted. Considering that the exchange between the Committee and the delegation was a dialogue, it was acceptable to admit to deficiencies and to mention action plans or national policies aimed at implementing the provisions of the Covenant.

13. Ms. ARNLJÓTSDÓTTIR (Iceland) said she regretted the absence of a representative from the Ministry of Justice. The members of her delegation represented the Ministries of Health, Social Affairs and Education, Science and Culture. However, in the light of a recent conversation with an expert of the Ministry of Justice, she did not think that the Covenant had ever been directly invoked in a court of law or that there was any specific reference to it in any item of domestic legislation. The same was true for other international instruments. Would the Committee like to proceed with an article-by-article examination of the Covenant to determine whether there was any corresponding Icelandic legislation?

14. Mr. RIEDEL, stressing the need to focus on the principal issues, said that it would be unreasonable to expect such information to be provided in the absence of a representative from the Ministry of Justice, since the questions had related specifically to that Ministry. However, mention could be made in the Committee's Concluding Observations of the absence of a representative of that Ministry. On the other hand, if the Ministry could send the appropriate information to the Committee by the end of the week, it could be taken into account.

15. Ms. ARNLJÓTSDÓTTIR (Iceland) agreed with the suggestion and asked whether questions could be set out in writing.

16. The CHAIRPERSON said that the Committee needed to have specific examples that the Covenant had indeed been incorporated into domestic law. She referred to the specific question posed by Mr. Pillay and Mr. Texier regarding the fact that more weight seemed to be given to the International Covenant on Civil and Political Rights and asked when the Government intended to give

equal importance to both Covenants. She then asked the delegation to answer questions relating to non-discrimination, referring in particular to Mr. Wimer's question on migrant workers.

17. Ms. BALDURSDÓTTIR (Iceland) replied that migrant workers in Iceland numbered approximately 3,000, representing 1 per cent of the population. Although originally, by its very name, Iceland had been extremely insular, which probably accounted for its small number of immigrants, it did welcome migrant workers, and to her knowledge there was no discrimination against them. Should there be any suspicion of discrimination, especially against European Economic Area (EEA) nationals, it would be referred to the Complaints Committee. In fact, the committee had recently considered three cases. She was pleased to say in response to Mr. Wimer's question, that there was no evidence of major social problems affecting migrant workers.

18. The CHAIRPERSON reminded the delegation that there were outstanding questions to be answered under article 3 on equality between men and women.

19. Ms. BALDURSDÓTTIR (Iceland), in answer to Mr. Ceausu's question concerning obstacles to gender equality, said that there was no full explanation for the observed inequality, but pointed out that gender imbalance existed throughout the world. She referred the Committee to Iceland's written replies (HR/CESCR/NONE/1999/2) for the answer to the question regarding the disparity between what was contained in law and what was observed in practice. The Government was attempting to address the issue through various action programmes, women's rights associations and the Government's Four-year Plan of Action on Gender Equality. The Equal Status Complaints Committee had the legal right to make recommendations and to take cases before a court of law, which it had in fact done on several occasions. Both the Equal Status Act and the Committee were under review. The Act constituted an attempt by the Icelandic Government to change what was in fact a global phenomenon. Even though similar or worse situations existed in other countries, that was no excuse. Iceland was not content with simply having a high ranking but aimed to be the best.

20. In reply to Mr. Grissa's question regarding wage differentials between women and men, she said that a working group had been set up to determine the reasons for the wage gap. The working group had recommended that an experimental project be launched involving two bodies, a State body and a private entity, to implement a gender-neutral system of occupational assessment (E/1990/6/Add.15, paragraph 37). A committee consisting of a group of specialists from the Ministry of Social Affairs, the Equal Status Council and the Reykjavic community had been established to prepare a report on the subject. It had been hoped that the report would be completed before the elections due to be held in early May 1999, but it might be delayed until the end of May.

21. The CHAIRPERSON reminded the delegation that a question by Mr. Antanovich remained to be answered.

22. Mr. GRISSA said that he regretted to have to point out that the existence of a deficiency in one country did not justify a deficiency in another country. The Committee hoped to learn from Iceland's experience. The

country had a small population, approximately 250,000, the size of a town in other countries. Indeed, it had a rich cultural and democratic heritage and enjoyed a high per capita income. Being small, it should find it easier to solve certain problems. Iceland certainly should not be compared with larger countries such as India or China.

23. Mr. SADI, echoing Mr. Grissa's sentiments, said that the elusive nature of gender equality was no excuse not to attempt to find solutions to the problem. He noted that Iceland had a Plan of Action (1998 to 2001) to address the matter. However, he would like to know what efforts were being made to improve women's access to parliament. For example, other countries had implemented a quota system in the form of what was called affirmative action or positive discrimination. Did Iceland envisage introducing a quota system to enhance women's participation in parliament?

24. Mr. CEAUSU, thanking the delegation for the answers they had provided to the Committee's questions, reassured them that when the Committee asked questions or made comments, it was with the intention of encouraging dialogue and not to pass categorical judgement on their country's situation. It was true that Iceland had made progress since the last report. However, the Committee would like more details on the causes for the gap between reality and what was contained in legislation. He commended Iceland on the fact that they had drafted laws that sought to redress the inequality between women and men, especially with regard to salaries.

25. He noted that an Equal Status Complaints Committee had been set up and that it could make recommendations or bring legal action before a court of law in consultation with a party. However, why did the injured party not have the right to bring a case before the court? Surely that would bypass the presumably long procedure via the Equal Status Complaints Committee.

26. Mr. PILLAY welcomed the admission that equality did not exist in practice although provided for in legislation. However, if there was a legal right then there should be a legal remedy for injured parties, or those rights could not be enforced. That led him to question the veracity of the delegation's claims that although the Convention's provisions were not expressed in domestic legislation, they were in fact implemented and to wonder whether they were not just useless words on paper. The delegation had said that wage disparities existed in the public sector. It was correct to say that such disparities existed throughout the world, especially in the private sector. It therefore should be easy to take remedial action, especially as Iceland was one of the richest countries, small in size, as mentioned earlier, and aware of the problem. He welcomed the plan of action but thought that it would have been easy, since the legislation already existed, to help people to bring cases against the Government and win punitive damages.

27. Ms. BALDURSDÓTTIR (Iceland) apologized for comparing Iceland with other countries and explained that she had simply wanted to demonstrate the magnitude of the cultural problem. The Equal Status Act was one way of combating discrimination. It was precisely because the Government realized that the Act did not adequately provide for the protection of the rights of women and men that it was currently under revision.

28. There was no legal provision for a quota system to increase women's participation in parliament. However, some political parties did practise such a system. The Minister of Social Affairs had, the previous year, set up a committee, in the light of the elections scheduled for 8 May 1999, consisting of representatives of all political parties and the Equal Status Council. Since then, that committee had introduced advertisements, held meetings and spoken to women in politics in order to encourage them. Meetings had also been held with the chairpersons of each political party with a view to increasing the number of women in parliament.

29. The Equal Status Complaints Committee could take a case to court but only at the request of the individual. The individual could enforce his or her right before the court but the Equal Status Complaints Committee's role was confined to offering assistance. She disagreed with Mr. Pillay that the legislation might be just useless words on paper, because gender equality reports had shown that significant changes had been registered since 1991. However, there were still areas, such as the wage differential, that needed improving.

30. The CHAIRPERSON invited Committee members to ask questions pertaining to the specific provisions of the Covenant.

31. Mr. CEAUSU, referring to paragraph 44 of the written replies concerning the right of foreign residents to work in Iceland, wondered whether the fact that foreigners who were not European Economic Area (EEA) citizens needed to reside in the country for three years before they could be issued with a work permit meant that such persons were prevented from earning a living during that period.

32. Ms. BALDURSDÓTTIR (Iceland) explained that such persons were issued a temporary work permit until the three years had elapsed.

33. Mr. AHMED pointed out that, as stated in the report, the temporary permit was not in fact issued directly to applicants, but to their employers, thereby depriving the former of the right to choose their employment, placing them at the mercy of the employer, and discriminating against them vis-à-vis EEA citizens, to whom the temporary work permit was issued directly. Secondly, it appeared from the report that foreigners were still prey to discriminatory practices in the form of denial of the right to engage in commercial fishing in Icelandic waters and of access to electricity for other than domestic use.

34. Ms. BALDURSDÓTTIR (Iceland) acknowledged the truth of the first part of Mr. Ahmed's remarks concerning the issue of the temporary work permit. She said she would respond to the second part after consulting her Government.

35. Mr. WIMER ZAMBRANO asked the delegation to indicate the specific obstacles encountered by Iceland in acceding to ILO Convention No. 138 concerning Minimum Age for Admission to Employment, admittedly a very complicated convention which Iceland was not alone in failing to sign.

36. The CHAIRPERSON suggested that the delegation might wish more time to gather the information it needed to answer the question and that they might do so at the following meeting.

37. Mr. THAPALIA observed that, despite the recommendations made to Iceland in the 1993 Economic and Social Council report and the 1996 report of the Committee for the Elimination of Discrimination against Women to intensify its efforts to eliminate persisting gender disparities, it was clear from paragraph 36 of Iceland's report that huge wage inequalities still existed. He wondered what specific measures Iceland, as a party to the Covenant on Economic, Social and Cultural Rights, was taking to implement the aforementioned recommendations.

38. Mr. TEXIER, acknowledging the statement contained in Iceland's report to the effect that all workers were covered by collective agreements with regard to minimum wage, wished to know whether there was any specific body to whom they could appeal in the event the law was violated. Also, since the report was silent on the subject of accidents in the workplace, he asked the delegation to provide work-related accident statistics and to inform the Committee of any measures taken to reduce them.

39. Mr. AHMED asked for clarification concerning yet another anomaly connected with work and one that could easily be remedied: under Act 133/1994, neither citizens of EEA countries nor their foreign spouses required a work permit to work in Iceland, while a foreign wife of an Icelandic citizen did.

40. Ms. BALDURSDÓTTIR (Iceland), responding to Mr. Thapalia's question concerning gender equality, explained that a bill containing action programmes was submitted to Parliament every four years and that both the previous and current action programmes dealt with those issues. Replying to Mr. Texier's question, she said that any underpaid non-unionized workers were free to take their case to court personally.

41. Mr. TEXIER asked for a more precise answer concerning the minimum wage. It was no secret that legal provisions were often not respected in many countries. His own country had ample legislation governing the minimum wage, but when it was not respected legal remedies were available in the form of the Ombudsman, the Court of Appeal and finally the Court of Cassation. He had wanted to know what occurred when that law was not respected in Iceland.

42. Ms. BALDURSDÓTTIR (Iceland) said that since the minimum wage was set by collective bargaining agreements, it was not governed by law, but that to the best of her knowledge there had been no cases in Iceland of breaches of those collective agreements.

43. Mr. GRISSA expressed the view that once a minimum wage was set by collective bargaining, it became legal, and reiterated the question regarding the consequences of any breaches of such agreements.

44. Ms. BALDURSDÓTTIR (Iceland) agreed that although the minimum wage was established by collective bargaining between the social partners and not by Parliament, there was a de facto law since there was legislation stipulating that employers were required to pay the agreed amount.

45. Mr. AHMED pointed out that something very close to a legal minimum wage existed in Iceland and could be deduced from a study prepared by the Icelandic Census Bureau, which established at ISK 133,000 per month the living cost of an average Icelander, and that approximately 10 per cent of the population lived below the poverty line, presumably with reference to that figure. Examples included single disabled persons, who received 57 per cent of the income of a working person, and disabled couples, who received 68 per cent of the income of a working couple.

46. The CHAIRPERSON invited members to put to the delegation their questions concerning articles 8 and 9 on trade union rights and the right to social security.

47. Mr. RIEDEL asked the delegation how it explained the fact, stated in an NGO report, that despite the country's highly developed social security system for the disabled, their numbers were still on the increase and they were constrained to seek financial assistance from non-governmental organizations. In connection with question 16, he sought clarification of the effect of article 9 on the 1993 Social Security Act and wished to know how marital status and household size affected the income of a disabled person.

48. Mr. PILLAY said that since the right to social security was enshrined in the Icelandic Constitution, it would appear that the poor were entitled to financial assistance from the State. While Iceland's social security system was good, what remedial action was Iceland, one of the world's richest countries, taking to address the problem of the 10 per cent of the population living in poverty? Did the Government envisage increasing social security allowances, which were indeed the lowest in the Nordic countries?

49. Ms. ARNLJÓTSDÓTTIR (Iceland) agreed that Iceland's welfare expenditure was low compared with that of most countries for a number of reasons: it had a lower unemployment rate, a younger population and a lower proportion of disabled persons, and many disabled and older persons had jobs. Also lower welfare expenditure went hand in hand with lower personal income taxation. Citing a report from the Icelandic National Institution of Statistics, she explained that only 12 OECD countries took part in harmonized statistics on welfare expenditure and the statistics only covered the general covenant, so that Iceland's pensions funds were excluded. However, Iceland's spending on disabled people, which came under the Ministry of Social Affairs, had been increasing on a yearly basis. In 1999 it was approximately 13 per cent higher than in 1996 and 25 per cent higher than in 1993. At the same time, welfare expenditure had increased by 50 per cent since 1990, so that it was clear that the Government was increasing expenditure on the disabled and on social security in general.

50. With regard to marital status, the social security legislation was based on a person's actual status: it consisted of a basic pension, with an additional allowance for persons living in a single household. Parliament had

been discussing the subject since 1936 and had always agreed that each individual case should be studied, although it had recently been decided to decrease the influence of a spouse's income.

51. Replying to Mr. Riedel's question concerning the NGO report that disabled persons living with a child did not qualify for the household grant, she was happy to inform the Committee that as of 1 April 1999, the situation has been changed, proof of the importance that Iceland assigned to the input of NGOs and society as a whole.

52. Mr. RIEDEL thanked the delegation for the good news on improvements, but asked whether there had been any dramatic change in the situation of NGOs caring for the disabled and having to supplement their benefits. According to the NGO report, a study by the National Economic Institute had shown that the incomes of a single disabled person and a disabled couple were respectively only 57 per cent and 68 per cent of the income of their working peers; was that problem being addressed?

53. Ms. ARNLJÓTSDÓTTIR (Iceland) pointed out that disabled lone parents had on average the same income as lone parents elsewhere in Icelandic society even prior to the changes of 1 April, so the situation was improving. Important discussions had been held on that issue in recent months.

54. Mr. PILLAY felt his question had not been answered. Given that 10 per cent of the population were living below the poverty line, surely they were not receiving the necessary financial assistance and welfare expenditure to leave the cycle of poverty. What was the Government doing to alleviate their situation?

55. Mr. AHMED, quoting the Icelandic Human Rights Centre, said that apparently up to 1,300 disability pensioners annually sought aid from the Lutheran Church Aid Agency, a figure which had increased 57 per cent over the past four years. Was the Lutheran Church Aid Agency so rich that it could help the Government provide for the disabled, or was it being funded by the Government? What was the source of its funds?

56. Ms. BALDURSDÓTTIR (Iceland) drew attention to the way the poverty line was defined. As part of a broader Nordic study, the Social Sciences Institute of the University had published a study based on a relative definition of poverty "at 50 per cent of median equivalent family earnings". By that definition, poverty would never be eliminated. Moreover, the report had only surveyed earnings from employment and had not taken into account pensions and child benefits.

57. Ms. ARNLJÓTSDÓTTIR (Iceland) had no figures on the nature or amount of aid provided by the Lutheran Church, but assumed the NGO figures were correct. Iceland had a mixed system, based on the Social Security Act and local authority social assistance, in addition to funds including pensions and funds for disabled people based on collective agreements. Employed persons who became invalids received payments from the funds. Payments to the disabled and invalids had been increasing, and the situation of those vulnerable groups would hopefully continue to improve.

58. Mr. AHMED asked what the source of the Lutheran Church's wealth was. Did the Government fund the Church?

59. Ms. ARNLJÓTSDÓTTIR (Iceland) said that although as a national church the Lutheran Church did receive payments from the State, its Aid Agency was an independent institution, whose income came mainly from independent private sources and the general population.

60. Mrs. JIMENEZ BUTRAGUEÑO asked about a comparison between the minimum wage and the minimum pension for older persons. Iceland's three-tier social system was very complicated and governed by many different laws. How did it affect the standard of living? How did savings affect pensions? Did a person with no savings receive the same pension? As she understood it, pensions were contributory by employers and employees. In Spain, taxes were paid towards pensions, and pensions did not depend on savings, but on contributions during a person's working life. Did pensions in Iceland depend solely on income? Income inevitably fell after retirement, but how dramatic was the difference in Iceland?

61. Ms. ARNLJÓTSDÓTTIR (Iceland) said that, 1999 being the United Nations International Year of the Elderly, their status had been widely discussed and their situation was hopefully improving. Like most societies, Iceland faced a growing group of active older persons, who remained healthier longer and wanted to participate in society. Good wages were a part of that right. As stated in the report, the Social Security Act ensured a basic pension to all persons from 67 years of age, and supplementary payments could increase that further if there was no income from another source. The three-pillar system consisted of the basic pension (based on income from work), the capital-funded pension system (obligatory for all workers) and savings; all were treated differently with regard to means testing for basic pensions and social security supplements. It was difficult to say whether the basic pension was adequate, but the Government had set up committees to look into that and similar issues, and discussions between the Prime Minister, the Minister of Health, the Minister of Social Affairs and representatives from groups of the elderly had already led to one recent change in payments to the elderly.

62. Mr. ANTANOVICH had not received an answer to his question of that morning on the work of the committees for equality of rights between men and women at community level. Referring to article 10 and the list of issues, he noted that the bill on paternity leave had been adopted, but it was not stated whether maternity leave had been extended from six to seven months. When was the leave granted, i.e. how many months before or after the birth of the child? Was salary preserved, or calculated by another formula? Regarding paragraph 64 (a) of the report (E/1990/6/Add.15), financial assistance would be granted when the income of an individual or a family was insufficient to support children. At what level was income considered insufficient? When was assistance granted and for how long? Who took those decisions? What social measures were taken beyond financial aid, such as helping the main wage-earner find employment or providing re-education? When was the assistance terminated?

63. Mr. SADI found the information in paragraphs 73 to 74 of the written replies very disturbing. Why was there such a high level of violence among

children in a small country like Iceland with a fairly straightforward social system? The violence, attributed to alcoholism and drug abuse, was affecting even tenth graders; how could those results be explained? Surely Iceland was not doing enough to protect children, pursuant to its obligation under article 10.

64. Mr. CEAUSU asked why, according to paragraph 94 of the report, it was not possible to bring an official complaint to the Children's Ombudsman since he did not deal with individual cases? The office of the Ombudsman was set up to defend the interests and rights of children, and in any country any administration had the obligation to receive and examine complaints by its citizens; surely the limitation of the competence of the Ombudsman went against the aims of that role and against the interests of children. He felt that the fact that the Ombudsman had to present an annual report to the Prime Minister compromised the independence of the Ombudsman from all executive control; a report to Parliament would be more appropriate. Evidently the institution was recent and perhaps with experience the legal base for its functions would improve; but in order to defend the rights and interests of children the procedures needed to be improved to enable the Ombudsman to receive and examine any complaints or communications from citizens.

65. Mr. AHMED believed the family unit was central to the problems under discussion. Iceland was a rich, well-established country with a small population and adequate wealth. In such a traditional and religious society, it was hard to understand what was wrong with the family unit. What made children go awry, use drugs or alcohol, and quit their homes to live on the streets or with foster families? Foster homes and the abandonment of children were significant issues in Iceland. According to the Icelandic Human Rights Centre, it was difficult to establish a family in Iceland; among the possible reasons given for that were the excessive number of single parents and the financial implications of having children. Although couples with children had a lower poverty rate than the unemployed, students, farmers or single parents, they did make up 55 per cent of the poverty population. Could the delegation comment on whether the main strains on families were the financial aspects or drug and alcohol related?

66. Mr. HUNT said it was clear that domestic violence was a real problem. Paragraph 91 of the written replies mentioned the three committees appointed by the Minister of Justice to present proposals on improvements, and their reports, according to paragraph 109 of the written replies, had been presented to Parliament in 1998. Given the importance of the issues and the scale of the problem, could the delegation give an update on the recommendations emerging from those reports, the action to be taken and the timetable for action?

67. Mr. PILLAY felt the comments by the Committee on the Rights of the Child in 1996 regarding the breakdown of families were pertinent and might explain the problems. It appeared that the family environment was infringed by long working hours, and that not enough was being done to prevent children being left alone; the insufficient availability of nursery places was also of concern. Would the delegation agree with that assessment? What had been done since 1996 to address those problems, and had the situation improved?

68. Mrs. JIMENEZ BUTRAGUEÑO asked about the role of grandparents. In Spain, grandparents often helped out with grandchildren, and the grandparent-grandchild relationship was very important, not least in passing on traditions.

69. The CHAIRPERSON, speaking in a personal capacity, said there were lengthy paragraphs with regard to domestic violence on needs, plans and proposals, but very little was said about the concrete measures being taken. Was there a special unit of Government to address the problem on the ground? Were there safe houses where battered women could take refuge?

70. Ms. ARNLJÓTSDÓTTIR (Iceland), replying to an earlier question by Mr. Antanovich, explained that doctors had recommended that women rest before the birth, whence the discussions about the possibility of increasing maternity leave to seven months. In the event the extension had not been granted; instead, the right to take one month prior to the birth had been allowed. State Social Security Institute maternity payments were the same to every person entitled to the full amount, around ISK 65,000, although bankers and civil servants received payments comparable with salaries due to collective agreements in their particular branches.

71. With regard to the Ombudsman, his role in most countries was equivalent to that in Iceland; it was hard to say whether that was sufficient. The Icelandic Children's Ombudsman had petitioned on accidents involving children and on the status of mentally ill children. His requests had been dealt with by the Government and projects had been initiated.

72. Replying to Mr. Ahmed on the problems of drugs and the family unit, she pointed out that drugs did not respect borders, so there would always be a drug problem in Iceland as in any other country. Replying to Mr. Hunt on domestic violence, she was pleased to announce that the Special Committee on Women's Health had finished its report the previous month, and domestic violence would henceforth be looked at as a health problem. A special project team would be appointed to see how the health service treated domestic violence, and a task force would be set up within the next few weeks. There was a special house for battered women and their children, and the roots of the problem were also being addressed by assisting husbands to overcome their violent tendencies.

73. Ms. BALDURSDÓTTIR (Iceland) said that every community with more than 500 inhabitants was obliged to set up a committee to work towards achieving equal rights between men and women. In accordance with article 41 of the Act on Municipalities, all such committees were authorized to merge in order to assume a larger workload. For example, a committee on equality had merged with a committee on social affairs.

74. Half the population of Iceland lived in Reykjavik which, in common with Akureyri on the north coast, had a separate committee dealing with equality between men and women. Both those committees had participated actively in projects with Nordic and Baltic countries, and in European Union mainstreaming projects. In Reykjavik, the woman mayor had officially proclaimed a policy of achieving equality between men and women. In relation to social assistance, the country's report stated that when the income of an individual or a family

was insufficient to support them, financial assistance would be granted. It was the task of the committees established to seek out those in need of assistance.

75. In reply to the question raised by Mr. Sadi, it should be reiterated that the problems of alcoholism and drug abuse were difficult to deal with. However, the Government was organizing a project entitled "Drugless Iceland in the Year 2002". That was a European Union coordinated project in which the Ministries of Justice, Education, Social Affairs and Health participated. Active and fruitful cooperation was also conducted with NGOs in the fight to combat drugs amongst teenagers. The role of NGOs was essential since the Government and local authorities did not possess all the necessary resources to overcome the problem.

76. Mr. WIMER ZAMBRANO made a request for statistics to be provided, since the documents being considered did not contain any data relating to the number of people taking drugs. Such information would help the Committee to grasp the seriousness of the situation.

77. Ms. ARNLJÓTSDÓTTIR (Iceland) added that the Government had recently contributed ISK 200 million towards the building of a treatment ward in a private institution for dealing with alcohol and drug-related problems. A new council had also been established on alcohol and drug prevention which focused on providing assistance to young people.

78. Mr. CEAUSU, referring to article 11, said that Iceland's report dealt only with housing problems and failed to address the issue of food and nutrition. That was a very important aspect of the right to an adequate standard of living and should be considered in relation to the right to a healthy diet, possible problems of malnutrition and a proper variety of foodstuffs.

79. Ms. ARNLJÓTSDÓTTIR (Iceland) said that the Ministry of Health had established a special council on nutrition which participated in WHO activities. A new health plan had recently been proposed for the period up to 2005. The new plan would concentrate on the diet of newborn children, i.e. those between the ages of nought and two. The special council comprised medical specialists, doctors and scientists.

80. Mr. TEXIER said that rather than just establishing whether people had a balanced diet, it should be ascertained whether some people did not have enough to eat, i.e. were there people below the minimum income level? If so, what measures had been taken to combat malnutrition?

81. Ms. ARNLJÓTSDÓTTIR (Iceland) said that the Ministry of Health was responsible for the diet and nutrition of the population, while local authorities provided social assistance through the Ministry of Social Affairs, with committees responsible for ensuring that people had enough food to eat.

82. Ms. BALDURSDÓTTIR (Iceland) reiterated the joint responsibility of the two ministries in question. Furthermore, the problem of food shortages had not previously arisen in Iceland.

83. Mrs. JIMENEZ-BUTRAGUEÑO said that the Committee had considered all necessary measures to enhance the condition of public buildings. In other countries, modern forms of transport had been provided without suitable ramps giving access to disabled people. That was a subject of great concern. By extension, all public facilities, even old and very large buildings, should be clean and accessible to all.

84. Mr. CEAUSU, referring to issues under article 12, said that the Icelandic authorities had envisaged a law designed to reduce tobacco smoking among young people. That law should be extended to other sections of the population. In application of the law, was there a ban on smoking in public buildings and school playgrounds? Did tobacco advertising on television still exist? Was there a real desire to reduce that terrible scourge? Other problems with health-related effects also existed, for example alcoholism. As in other Nordic countries, were attempts being made to reduce the sale of alcohol? Finally, was a programme in place to combat AIDS?

85. Mr. HUNT said that article 12, although large and complex, was offered only brief coverage in the report submitted by Iceland. Since the same observation had been made by the women's committee (CEDAW) in 1996, which had expressed concern at the lack of information provided on women's health care, a full report on article 12 would have been useful.

86. With regard to health insurance, the country report stated that such insurance provided free hospital treatment and that insured persons paid a small fee for visits to family physicians and a flat fee plus 40 per cent of the cost of specialist consultations. Were the fees in question increasing and, if so, by what percentage? If the fees were increasing, was the Government monitoring whether the higher fees deterred poorer sections of the population from seeking medical help?

87. The new Act on the rights of patients represented a major advance. The Act included special provisions on the right to make complaints. However, the complaints procedure was unclear and more information was needed on that aspect. It would be interesting to know whether a health ombudsman or equivalent health advocates existed who were trained to assist patients with their complaints. Finally, a new statute dealing with a genetic database had been passed. Were its provisions consistent with the new rights of patients?

88. Mr. RIEDEL reiterated that fuller information was necessary regarding article 12. In relation to the new Act on the rights of patients, it was important to ascertain to what extent the Act reflected the legislative drafts of the Council of Europe for a European Convention on biomedicine and bioethics. How was the subject of data protection dealt with in relation to patients' rights and general health matters?

89. The CHAIRPERSON, in reply to a question by Mr. Ceausu, confirmed that the text of the new Act on the rights of patients was available in English.

90. Mrs. JIMENEZ-BUTRAGUEÑO wondered whether the recent drop in the sale of medicines and patients' services in many countries had also occurred in Iceland. Restrictions in typical treatments for and rights of the elderly had

been imposed. Had such restrictions been borne in mind by the Icelandic authorities and were periodic reports issued on such ailments as arthritis and osteoporosis?

91. Ms. BALDURSDÓTTIR (Iceland) said that the Government had recently decided to participate in a pilot project in cooperation with Daimler-Benz and Shell. The Government intended to establish a hydrogen-based community in which the use of petrol engines for cars and vessels would be prohibited.

92. Ms. ARNLJÓTSDÓTTIR (Iceland) said that her country had very strict legislation which banned smoking in all public places. Attempts were being made to ban it even in restaurants. Iceland participated actively in the WHO Standing Committee for Europe. In a recent discussion on the advertising and marketing of alcohol products, it had advocated banning alcohol advertising completely, although such a ban could in future give rise to problems in the European Union, which had stipulated that there should be no discrimination against alcohol advertising.

93. In reply to the question raised regarding health insurance, the fees charged had recently been reduced. The maximum fee for treatment was ISK 5,000 and was much lower in health centres. Special rates applied to treatment for the elderly, disabled and children. A maximum annual fee was in place and families could obtain a card entitling them to further reductions. It was pleasing to note that during a recent Nordic Council of Ministers and WHO conference in Copenhagen, it had been unanimously agreed that Iceland had made the most progress in achieving legal rights for patients in Europe. As regards the complaints procedure, it was henceforth possible to complain directly in institutions, following a change in the Law on Physicians. The Chief Medical Officer was also supposed to take care of complaints and a special committee, including a lawyer and two independent health workers, was also in place. Unfortunately, a patients' ombudsman did not exist but material was currently being prepared on patients' rights to be distributed to health professionals. Finally, the Law relating to a genetic database had been the subject of recent discussions. It was comparable to the new Act on the rights of patients.

94. Mr. WIMER ZAMBRANO reiterated his request for the provision of health statistics.

The meeting rose at 6.05 p.m.